

IN THE UNITED STATES DISTRICT  
COURT FOR THE WESTERN DISTRICT OF  
VIRGINIA  
Roanoke Division

DENIECE PAGANS, JANET SWEET,  
SAFI M. RIAZ, BESSIE M. MCADAMS,  
KEITH O. EDWARDS and PETER H.  
DARGEL, individually and on behalf of all  
other similarly situated,

Plaintiffs,

v.

ADVANCE STORES COMPANY,  
INCORPORATED, THE BOARD OF  
DIRECTORS OF ADVANCE STORES  
COMPANY, INC. and THE  
RETIREMENT COMMITTEE OF  
ADVANCE AUTO PARTS, INC. 401(k)  
PLAN,

Defendants.

Civil Case Action No. 7:21-cv-00549-MFU

Honorable Michael F. Urbanski

**PLAINTIFFS' UNOPPOSED MOTION FOR  
FINAL APPROVAL OF CLASS ACTION SETTLEMENT, CERTIFICATION OF  
SETTLEMENT CLASS, AND APPROVAL OF PLAN OF ALLOCATION**

Named Plaintiffs Janet Sweet, Safi M. Riaz, Bessie M. McAdams, Keith O. Edwards and Peter H. Dargel (“Plaintiffs”), participants in Advance Auto Parts, Inc. 401(k) Plan (the “Plan”), hereby respectfully move this Court, pursuant to FED. R. CIV. P. 23, for an Order:

1. Granting final approval to the class action settlement in this action on the terms of the Class Action Settlement Agreement (“Settlement Agreement”), fully executed on December 19, 2023 and previously filed with the Court on the same date (ECF No. 68-1);
2. Certifying the Class as defined in the March 12, 2024, Preliminary Approval Order (ECF No. 74);

3. Appointing Plaintiffs as Class Representatives and Plaintiffs' Counsel as Class Counsel under FED. R. CIV. 23(g);

4. Finding that the manner in which the Settlement Class was notified of the Settlement was the best practicable under the circumstances and adequately informed the Settlement Class members of the terms of the Settlement, how to lodge an objection and obtain additional information; and

5. For such other and further relief as the Court may deem just and proper.

The grounds for this Motion are set forth in the following papers filed contemporaneously herewith:

A. Memorandum of Law in support of Plaintiffs' Motion for Final Approval of Class Action Settlement, Certification of Settlement Class, and Approval of Plan of Allocation; and

B. Declarations of Plaintiffs' Counsel, Plaintiffs, and the Settlement/Notice Administrator.

Attached hereto is the proposed Final Approval Order and Judgment in the form agreed to by the Parties.

Dated: June 5, 2024

Respectfully submitted,

**CAPOZZI ADLER, P.C.**

/s/ Mark K. Gyandoh  
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*Attorneys for Plaintiffs and  
Class Counsel*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 5, 2024, a true and correct copy of the foregoing document was filed with the Court utilizing its ECF system, which will send notice of such filing to all counsel of record.

By: /s/ Mark K. Gyandoh  
Mark K. Gyandoh, Esq.